

# ***POLITICAL COMMITTEES***



## *Virginia's Campaign Finance Disclosure Act*

### *Summary of Laws and Policies for Political Committees*

*Revised July 2005*

Title 24.2, Chapter 9 of the Code of Virginia

COMMONWEALTH OF VIRGINIA  
**VIRGINIA STATE BOARD OF ELECTIONS**  
200 N. 9TH STREET, SUITE 101  
RICHMOND, VIRGINIA 23219-3497

Toll-free within Virginia 800-552-9745 or 804-864-8901

Fax Number: 804-786-1364

Visit our website: [www.sbe.virginia.gov](http://www.sbe.virginia.gov)

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## CHAPTER 1 - INTRODUCTION

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### Purpose of *Summary*

§24.2-903 requires the State Board of Elections to prepare and make available a summary of the Campaign Finance Laws in Virginia. This document has been prepared to assist the filer in understanding the law and policies set forth by the State Board of Elections. SBE makes this *Summary* available on the Internet to all candidates, their treasurers, to treasurers of political committees and the general public. It is also available upon request. This manual is a basic reference tool, and is **not** a substitute for the actual law (a copy of which is available for purchase or to read on-line on our website:

[http://www.sbe.state.va.us/Campaign\\_Finance/](http://www.sbe.state.va.us/Campaign_Finance/)

### General Information

The Virginia State Board of Elections (SBE) provides information and resources to assist political committees in complying with the provisions of the Campaign Finance Disclosure Act, Chapter 9 of Title 24.2 of the Code of Virginia (CFDA). To that end, we have assembled this *Summary of Virginia's Campaign Finance Laws and Policies for Political Committees* (hereafter referred to as "*Summary*"), which outlines the requirements of the Campaign Finance Disclosure Act and related policies.

The most common mistake made by committee officers involves understanding the importance of filing campaign finance reports and Statement of Organization forms in a timely manner. As a treasurer or committee officer, you should familiarize yourself with this *Summary* for it will serve as a valuable resource. Of course, the Campaign Finance staff is always available by telephone, facsimile, or e-mail to provide assistance.

### State Board of Elections Campaign Finance Staff

SBE staff is available to assist you in preparing reports and interpreting the requirements of the CFDA. Should you have questions or require clarification, contact:

**Chris Piper**, Campaign Finance Administrator, email: [chris.piper@sbe.virginia.gov](mailto:chris.piper@sbe.virginia.gov)

**Tina Edmonds**, Compliance Specialist, email: [tina.edmonds@sbe.virginia.gov](mailto:tina.edmonds@sbe.virginia.gov)

**Rise B. Miller**, Political Committee Specialist, email: [rise.miller@sbe.virginia.gov](mailto:rise.miller@sbe.virginia.gov)

**Marian Mines**, Campaign Committee Specialist, email: [marian.mines@sbe.virginia.gov](mailto:marian.mines@sbe.virginia.gov)

### Related Publications

Political Committees and their officers should also familiarize themselves with the State Board of Elections' *Summary of Laws and Policies: Stand By Your Ad* to understand the guidelines governing political advertisements.

## Elections Not Covered

The provisions of CFDA do not apply to primaries and elections for:

- ⇒ **Members of the United States Congress;**
- ⇒ **Town office in a town with a population of less than 25,000;**
- ⇒ **Directors of soil and water conservation districts; or**
- ⇒ **Political Party Committee Officers.**

In addition, corporations, unions and partnerships (LLP's) that make contributions from their direct operating funds are not subject to the requirements of CFDA. However, they are subject to reporting requirements if they make an Independent Expenditure in excess of \$500 for a statewide election or \$200 for any other election.

## Internal Revenue Service Requirements

SBE has no authority or responsibility to provide any advice regarding federal campaign finance or tax laws. Therefore, if you have questions regarding whether or not your political committee meets the requirements of the federal law, contact the Internal Revenue Service. Their website address is <http://www.irs.gov/charities/political/index.html>.

## Federal Candidates and Committees

An individual who wishes to become a candidate for:

- ⇒ **President of the United States;**
- ⇒ **Vice-President of the United States;**
- ⇒ **United States Senate;**
- ⇒ **United States House of Representatives; or**

any political committee wishing to support or oppose those federal candidates must contact the Federal Election Commission (FEC) to obtain forms and information pertaining to federal campaign finance requirements and filing deadlines. You may contact the FEC at:

800-424-9530 (toll-free) or 202-694-1100 (within the Washington, D.C. area)  
999 E. Streets, NW  
Washington, DC 20463-0002  
[www.fec.gov](http://www.fec.gov)

Since Virginia participates in FEC's State Filing Waiver Program and provides public electronic access to federal campaign finance reports via the Internet, federal candidates and committees that have activity in Virginia no longer file copies of their campaign finance reports with SBE. The FEC (and *not* SBE) enforces federal campaign finance laws.

## Definition of Terms

The following are definitions of the terms used in this *Summary* that are of principal importance to candidates or treasurers. Treasurers and other principal officers should refer to these definitions while

reviewing this Summary. Please keep in mind that some of the terms, while not specifically defined in CFDA, are useful in understanding this document. If you wish to read the exact definition as they appear in CFDA, you may refer to **§24.2-901** of the Code of Virginia.

**Adjournment sine die** – adjournment on the last legislative day of the regular session and such session does not include the ensuing reconvened session.

**Aggregate Contribution** – the total amount of contributions made by an individual or other entity during an election cycle.

**Candidate** – an individual who seeks nomination for election, or election to public office, in the Commonwealth of Virginia whether or not that person’s name is on the ballot. An individual will be considered a candidate seeking nomination for election or re-election if he/she has:

- ⇒ **Personally, or through another person, solicited or received funds or other things of value, or made expenditures, including expenditures from personal funds, for the purpose of bringing about such individual’s nomination or election to any office; or**
- ⇒ **Has been endorsed or nominated by a Political Party and is thus entitled to a position on the ballot at an election or primary (whether or not funds or resources have been solicited, received or expended); or**
- ⇒ **Is otherwise qualified for placement on the ballot pursuant to the election laws (whether or not funds or resources have been solicited, received or expended).**
- ⇒ **Has not filed a final report for the previous election cycle prior to a new election cycle’s begin date. In this instance, an individual will be considered a candidate for the same office in the succeeding election for administrative purposes (see §24.2-914).**

**Candidate Types:**

**Local Candidate** – Candidate for a city, county or town’s local or constitutional offices.

**General Assembly Candidate** – Candidate for Virginia State Senate or House of Delegates.

**Statewide Candidate** – Candidate for Governor, Lieutenant Governor or Attorney General.

**Candidate’s Campaign Committee** – the committee designated by a candidate to receive all contributions and make all expenditures for them or on their behalf in connection with their nomination or election. A Candidate’s Campaign Committee may only support one candidate.

**Contribution** – money or services of any amount, and any other thing of value, given, advanced, loaned, or in any other way provided to a candidate, campaign committee, political committee, inaugural committee or person for the purpose of influencing the outcome of an election or defraying the costs of the inauguration of a Governor, Lieutenant Governor or Attorney General. “Contribution” includes money, services or things of value in any way provided by a candidate to his own campaign and the payment by the candidate of any primary filing fee.

**Consultation** - to take counsel to bring about, devise, contrive, to ask advice of, seek the opinion of, apply to or for information or instruction.

**Coordination** – any discussion, action or agreement made by the sponsor of an advertisement and the candidate or any agent of the candidate’s campaign committee.

**Debt** – any and all outstanding financial obligations.

**Depository** – the account(s) in a designated financial institution established to maintain all monetary receipts of a committee.

**Election** – any general, primary or special election.

**Expenditure** – money or services of any amount, and any other thing of value, paid, loaned, provided or in any other way disbursed by any candidate, campaign committee, political committee, inaugural committee or person for the purpose of influencing the outcome of an election or for defraying the costs of the inauguration of a Governor, Lieutenant Governor or Attorney General.

**Failure to File** – any required campaign finance report not received by the State Board or local electoral board within 90 days of the filing deadline.

**Incomplete report** - campaign finance reports due within 120 days before or the 35 days after a November general election date that have been submitted timely, but have failed to include all of the required information.

**Inaugural Fund Committee** – any committee which anticipates receiving contributions or making expenditures, other than publicly appropriated funds, for the inauguration of the Governor, Lieutenant Governor or Attorney General and related activities.

**Independent Expenditure** – an expenditure made by any person or political committee not made to, controlled by, coordinated with, or made upon consultation with a candidate, his campaign committee or an agent of the candidate or his campaign committee.

**In-Kind Contribution** – the donation of goods, services, property or anything else of value that is offered for free or less than the usual and normal charge; or payments by a third party for goods and services rather than money. The basis for arriving at the dollar value of an In-Kind gift is as follows: new items are valued at retail value; used items are valued at fair market value and services rendered are valued at the actual cost of service per hour. Services are not to include personal services (outside of the person's professional occupation) for which no compensation is asked or given.

**Person** – any individual or corporation, partnership, business, labor organization, membership organization, association, cooperative or other like entity.

**Political Action Committee (PAC)** – any person, association, organization, group of individuals or other committee which anticipates receiving contributions or making expenditures in an aggregate amount exceeding \$200 for the purpose of influencing the outcome of a non-federal Virginia election during a calendar year. Corporations, unions and individuals making independent expenditures of more than \$500 for a statewide election or \$200 for any other election on behalf of or in opposition to a candidate. **Note:** may also be referred to as Political Committee.

**Political Committee's Election Cycle** – for political committees the election cycle runs on calendar years. All political committees will report their aggregates according to calendar year totals.

**Political Party Committee** – any state political party committee, congressional district political party committee, political party committee for a county or city with a population of more than 100,000, organized political party group of elected officials which anticipates receiving contributions or making expenditures in whole or in part, for the purpose of influencing the outcome of an election, during the calendar year in an aggregate amount exceeding \$200. Any legislative district, county or city, or local election district political party committee (where population is less than 100,000) or any auxiliary of a political party committee that, in a calendar year, receives contributions totaling more than \$15,000 or makes expenditures totaling more than \$15,000. **Note:** may also be referred to as Political Committee.

**Referendum Committee** – any person, group of persons or committee that makes expenditures in a calendar year in excess of (i) \$10,000 to advocate the passage or defeat of a statewide referendum, (ii)

\$5,000 to advocate the passage or defeat of a referendum being held in two or more counties or cities, and (iii) \$1,000 to advocate the passage or defeat of a referendum held in a single county or city. Referendum committees are required to file campaign finance reports according to the same schedule that candidates for that same election.

***Reporting Period*** – the beginning and ending dates for a campaign finance report.

***Solicit*** – to request a contribution, orally or in writing. This does not include a request for support of a candidate or their position on an issue.

***Statewide Office*** - means Governor, Lieutenant Governor, and Attorney General.

***Surplus funds*** – the funds remaining after the payment of all debts and expenses incurred by a committee.

***Treasurer*** – the appointed bookkeeping officer (or “custodian of the books”) of a political committee.



## CHAPTER 2 – POLITICAL COMMITTEES

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### Types of Political Committees

A Political Committee is any individual or group of two or more people who intend to solicit and accept contributions or make expenditures to support or oppose any candidate(s) for a non-federal office in Virginia or to influence the outcome of any non-federal Virginia election. Any one of the following is considered a Political Committee:

- ⇒ **Political Action Committee (PAC) can include any:**
  - ⇒ **Stock or non-stock corporation;**
  - ⇒ **Labor organization;**
  - ⇒ **Membership organization; or**
  - ⇒ **Cooperative or other group.**
  - ⇒ **An auxiliary of any Political Party Committee.**
  - ⇒
- ⇒ **Political Party Committee can include any:**
  - ⇒ **State political party committee;**
  - ⇒ **Congressional district political party committee;**
  - ⇒ **County or city political party committee; or**
  - ⇒ **Organized political party group of elected officials.**
  - ⇒ **Any Political Party Committee for a county or city with a population of 100,000 or less that, in a calendar year, does not receive contributions or make expenditures totaling more than \$15,000.<sup>1</sup>**
- ⇒ **Inaugural Committee is any committee that anticipates receiving contributions or making expenditures from any source other than publicly appropriated funds, for the inauguration of the:**
  - ✓ Governor,
  - ✓ Lieutenant Governor, or
  - ✓ Attorney General.
- ⇒ **Referendum Committee is any group of persons advocating the passage or defeat of a referendum across the State of Virginia and is subject to the requirements of the CFDA when, in a calendar year, expenditures total in excess of:**
  - ✓ \$10,000 for referendums held Statewide;
  - ✓ \$5,000 for referendums held in two or more counties or cities; or
  - ✓ \$1,000 for referendums held in a single county or city.
- ⇒ **Political Committee does not include:**

- ✓ A group that engages solely in issue advocacy (which is not an issue on the ballot) and does not receive “contributions” or make “expenditures” to expressly advocate the election or defeat of a clearly identified candidate is not a “political committee” as defined in §24.2-901. See *Virginia Soc’y for Human Life, Inc. v. Caldwell*, 256 Va. 151, 500 S.E.2d 814 (1998).

## Forming a Political Committee

Any person, association, organization, group of individuals or political action committee that anticipates receiving contributions and/or spending funds in excess of \$200 in order to influence the outcome of any non-federal election in Virginia must register as a political committee with SBE.

In order to form a Political Committee, a *Statement of Organization* for a Political Committee must be filed with SBE within 10 days of organization; or 10 days after the date on which the committee has information that it expects to receive contributions and/or spend funds of more than \$200.

Corporations and unions that contribute from their direct operating funds are not subject to the requirements of the Act unless an independent expenditure that benefits a non-federal Virginia candidate or political committee.<sup>ii</sup>

## The Statement of Organization

### Required Information for All Political Committees

A political committee that intends to spend more than \$200 in order to influence the outcome of a non-federal election in Virginia is required to include the following information on its *Statement of Organization*:

- ⇒ The name of the committee and its address in the Commonwealth of Virginia;
- ⇒ The names, addresses, and relationships of affiliated or connected organizations;
- ⇒ The area, scope, or jurisdiction of the committee;
- ⇒ The treasurer’s name, business and residence address in the Commonwealth of Virginia;
- ⇒ The name, residence address, and position of other principal officers, including officers and members of the finance committee, if any, and including at least one principal officer who is a resident of the Commonwealth of Virginia, who serves as treasurer or chief executive officer of the committee, and who shall be deemed the agent of the committee for the purpose of service of process on the committee;
- ⇒ The name, address, office sought, and party affiliation of each individual whom the committee is supporting or opposing for nomination or for election or if supporting the entire ticket of any party, the name of the party;
- ⇒ In the case of an Inaugural Fund Committee, the name, address, and office to which elected of the person on whose behalf the committee is organized;
- ⇒ In the case of a Referendum Committee, the subject of the referendum, the date and location of the election, and a statement whether the committee is promoting or opposing the referendum question;

- ⇒ **The name of the designated sole depository to be used for the receipt and holding of funds and contributions received by the committee, in an account in a financial institution within the Commonwealth of Virginia.**

A political committee that is a national political party committee or is established or controlled by a corporation located outside of Virginia, they may substitute the requirements in Lines 1, 4, 5 and 8 for the following information on its *Statement of Organization*:

- ⇒ **The name of the committee and its address;**
- ⇒ **The name, business and residence address of the treasurer;**
- ⇒ **The name, residence address, and position of other principal officers, including officers and members of the finance committee, if any;**
- ⇒ **The designated sole depository to be used for the receipt and holding of funds and contributions received by the committee.**

\*\*\*Other times when a *Statement of Organization* for a Political Committee is required:

- ⇒ **When any additions or revisions to a political committee (e.g. a change in address) occur, the *Statement of Organization* form must be filed with the SBE within 10 days of the addition or revision.**
- ⇒

### ***Naming a Political Committee***

No political committee that is required to file a *Statement of Organization* shall include the name of a candidate in any part of its name unless the political committee, prior to filing, has:

- ⇒ **obtained the written authorization of the candidate to use the candidate's name as part of the name of the political committee; or**
- ⇒ **mailed by certified mail, twenty-one or more days prior to filing, written notice to the candidate of its intent to use his name as part of the name of the political committee.**

Any political committee, which intends to use the name of a candidate as part of the name of their political committee, shall file, along with the *Statement of Organization*, a copy of:

- ⇒ **the written authorization of the candidate consenting to the use of his name; or**
- ⇒ **the political committee's notice to the candidate and evidence of the notice's timely mailing.**

If two candidates seeking the same office have the same last name, the political committee must include the first name, or other initial or nickname, and the last name of the candidate, in the name of the political committee to identify which candidate is associated with the political committee.

### ***Filing a Final Report for a Political Committee***

Political Committees must continue filing the required disclosure reports until the committee determines it will no longer accept contributions and/or contribute to non-federal candidates in Virginia or other political committees. A Final Report must be filed which sets forth all receipts and disbursements not previously reported; and includes a completed termination statement, signed by an officer of the committee, declaring all reporting for Virginia to be complete and final.

***Disposition of Surplus Funds***

Once a Political Committee has determined to disband it may dispose of its surplus funds in any of the following methods:

- ⇒ **transferring the excess to an affiliated organization of the committee;**
- ⇒ **returning the excess to a contributor in an amount not to exceed the contributor's original contribution;**
- ⇒ **donating the excess to any organization described in [§ 170\(c\)](#) of the Internal Revenue Code;**
- ⇒ **contributing the excess to one or more candidates;**
- ⇒ **contributing the excess to any political party committee;**
- ⇒ **defraying any ordinary, non-reimbursed expense related to the political committee.**
- ⇒ **NOTE: It is illegal for any person or officer of the committee to convert any contribute moneys, securities, or like tangible personal property to his personal use.**

## CHAPTER 3 – POLITICAL COMMITTEE TREASURERS

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### What is a Treasurer?

Each Political Committee must have a custodian of books and accounts more commonly known as a committee treasurer.

In order to serve as a treasurer for any political committee the individual must be a resident of the Commonwealth of Virginia. The residency requirement does not apply to the treasurer for any political committee that is a national political party committee or is established or controlled by a corporation doing business in Virginia.

Only a treasurer or other committee officer, listed on the most recently filed *Statement of Organization*, may sign the disclosure reports and statements. SBE urges every committee to name at least two other officer of the committee who may assume the treasurer's duties when he or she is unavailable. Furthermore, a security code is necessary for filing a Committee's campaign finance reports electronically. SBE will not release the security code for any individuals not listed on the committee's *Statement of Organization*.

### Duties and Responsibilities of Treasurers

The treasurer is responsible for the receipts and expenditures of campaign or committee funds for political purposes. The duties of a treasurer can include, but are not limited to:

- ⇒ **Filing complete, accurate and timely contributions and expenditure reports and Statement of Organization Forms;**
- ⇒ **Signing contributions and expenditure reports and Statement of Organization Forms;**
- ⇒ **Authorizing expenditures (may also be authorized by any other officer of the committee);**
- ⇒ **Monitoring disclosure to ensure compliance with Virginia's Campaign Finance Laws; and**
- ⇒ **Keeping detailed and accurate records for at least three years after the report is filed.**

The treasurer is allowed to use an employee or member of the committee staff to perform mechanical functions such as writing out (but not signing) checks, completing disclosure reports, filling out deposit tickets or making bank deposits.

However, a committee's treasurer may not allow any person (other than another officer of the committee) to sign checks, receive contributions or make expenditures on behalf of the committee. The ultimate responsibility for compliance with the requirements of the Act always rests with the treasurer and the other officers, and it is the treasurer's or other officer's signature that is required on the campaign finance reports.

### Changes or Vacancies in the Position of Treasurer

The treasurer and/or committee officer must keep the committee's addresses, phone numbers and email addresses current to help ensure receipt of periodic notices and compliance materials. If the treasurer position becomes vacant, the committee is responsible for notifying SBE within 10 days of the change

and after appointing a replacement. Please be advised that a vacancy in the treasurer's position does not relieve the committee from filing timely disclosure reports.

## CHAPTER 4 – REPORT CONTENTS

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### Contributions and Receipts

In the Campaign Finance Disclosure Act, a contribution can be money and services of any amount, and any other thing of value, given, advanced, loaned or in any other way provided to a candidate, campaign committee, political committee, inaugural committee or person for the purpose of financing, directly or indirectly, the election campaign of a candidate or any operations of a political committee involved in such campaign. Money, services, or things of value in any way provided by a candidate to his campaign and the payment by the candidate of any primary filing fee are also contributions. A contribution may be made in the form of:

- ⇒ **Cash;**
- ⇒ **Checks;**
- ⇒ **Credit card; or**
- ⇒ **Gifts of property or services.**

Individuals, partnerships, committees, corporations and labor organizations may contribute in support of or in opposition to candidates for nomination or election to public office. Corporations and unions that contribute from their direct operating funds are not subject to the requirements of the CFDA unless they make an independent expenditure.<sup>iii</sup> There are no limits imposed by the CFDA for contributions given in Virginia; and since the CFDA requires full disclosure, anonymous contributions cannot be accepted.

Contributions received by a committee from a contributor whose individual contribution or aggregate contribution total is more than \$100, at the time of reporting, must be reported on Schedule A of the disclosure report. In this case, the name, address and occupation, name of employer, location of employment of the donor and the amounts and dates of this, and each subsequent contribution, must be detailed.<sup>iv</sup>

### ***Contributions by Credit Card***

A contribution that is made by credit card may be made either in person or over the Internet. If this method of payment is used, the entire amount charged to the contributor's account must be reported. Any service fees charged to the committee by the credit card processing agent must be reported separately on the report as an expense by the committee. Even if the company charges the campaign or committee a "per transaction fee," the fee per transaction shall not be used to reduce the amount of the contribution shown, but must be reported as an expenditure for the campaign or committee for the period being reported.

### ***In-Kind Contributions***

An In-Kind Contribution is the donation of goods, services, property or anything of value that is offered for free or at less than the usual and normal charge, or payments by a third party for goods and services. This type of contribution does not include a donation of cash, checks, or promissory notes. In-Kind Contributions must be itemized and reported under the appropriate category of receipts.

Some types of In-Kind Contributions can include (but are not limited to):

- ⇒ **Voluntary contributions of materials for use in making posters and billboards;**
- ⇒ **Voluntary contributions of use of an automobile;**
- ⇒ **Voluntary contributions of free lodging;**
- ⇒ **Voluntary contributions of catering for a reception;**
- ⇒ **Voluntary contributions of printing of literature;**
- ⇒ **Voluntary contributions of office space and equipment;**

Discounts are also In-Kind Contributions. A discount is the difference between the usual and normal charge for goods or services and the amount charged to the recipient committee.

**Example 1**

*A business entity sells to a committee food or beverages that normally would cost \$1,000, at a discount of 20%. The \$200 savings by the committee is considered an In-Kind Contribution from the business entity and this amount should be listed on Schedule B of the disclosure reporting forms. The remaining \$800 would be reported on Schedule D as an expenditure.*

Although services provided to a campaign or committee can be considered an In-Kind Contribution, the uncompensated time volunteers spend working on a campaign or for a committee – stuffing envelopes, knocking on doors, calling voters, etc. is not considered an In-Kind Contribution.

**Example 2**

*Mrs. Dee Designer, a web page developer, came up with the thought and designs a web page for XYZ-PAC free of charge. Since designing web pages is something Dee would normally charge \$2,500 for doing, Dee has made an In-Kind Contribution of \$2,500 to John Q. Candidate's committee. This \$2,500 counts toward Mrs. Designer's aggregate contributions to date to that candidate or committee.*

*Dee Designer still wants to do more to help John Q. Candidate. She volunteers to answer telephones at his campaign headquarters and to distribute flyers in the neighborhood. Since answering telephones and distributing flyers is not a service that Dee normally charges for, her activities are not considered to be an In-Kind Contribution to the campaign.*

**Example 3**

*Mr. Kind decides to throw a fundraiser at his home for XYZ-PAC. Since the person's home is not normally rented for this purpose, then the use of the home is not considered an In-Kind Contribution. However, any costs associated with the fundraiser are considered In-Kind. These costs could include, but are not limited to: catering, food, beverages and entertainment.*



## **Contributions during Legislative Session**

Contributions or promises of contributions may not be made, accepted or solicited by the Governor, Lieutenant Governor, Attorney General, any member of the General Assembly or any person acting on behalf of these individuals on and after the first day of a **Regular** Legislative Session which annually begins on the second Wednesday in January and continues for no less than 45 days in odd years and 60 days in even years. The **Regular** Session does not end until the General Assembly agrees to *Adjournment Sine Die* which signifies the end of the Regular Session. Contributions can be made to these candidates during **Special** Sessions or during any other non-Regular Legislative Sessions.

Any political committee who offers or promises a contribution to the Governor, Lieutenant Governor, Attorney General or any member of the General Assembly is subject to criminal prosecution.

The restrictions of this section do not apply to contributions made by the Governor, Lieutenant Governor, Attorney General or any member of the General Assembly from their personal funds; or to contributions made to the campaign committee of a candidate in a special election.

## **Other Contribution Policies**

- ⇒ **Purchasing a ticket to attend a campaign fund-raiser is considered a contribution to the campaign(s).**
- ⇒ **If a contribution is from a business entity, the name and address of the entity (not the name of the person who signed the check on behalf of the business) should be entered in the committee's records and in the campaign finance report. Any Independent Expenditure made by an individual or person who is not a political committee in excess of \$500 for statewide elections and \$200 for any other election will be required to file an [Independent Expenditures Reporting Form](#) available for download on SBE's website.**
- ⇒ **A contribution made by check is considered as received once the check is knowingly in the possession of the committee.**
- ⇒ **In-Kind Contributions *MUST* be reported on the reports as the day that the good or service is received and *NOT* the date the committee is informed of the cost of the good or service. It is the responsibility of the receiver of the In-Kind Contribution to obtain this information.**
- ⇒ **If a candidate or committee receives a contribution by a check that is drawn on a joint account, the contributor is the person who signed the check unless documentation that states otherwise is accompanied with the contribution. If the contributor's identity is unclear, it is the duty of the committee to contact the contributor(s) to confirm their intention and attain written documentation of the intended contributor.**
- ⇒ **Political Committee aggregates and total receipts are totaled for a calendar year only (January 1 through December 31). This is known as the political committee's *Election Cycle*.**
- ⇒ **There are no contribution limits in Virginia.**

## **Best Practices - Anonymous Contributions**

If a political committee receives unsolicited cash contributions in the mail, since there is no name or address and since cash cannot be tossed in the trash and thrown away the treasurer is often confused on what they should do with the money. The receiver of the contribution may donate the money to charity. Acceptance of anonymous contributions would constitute a violation of the Campaign Finance Disclosure

Act and the candidate or committee would be subject to the civil penalties set forth in [§24.2-929](#) of the Code of Virginia.

### **Best Practices - Joint Fundraisers**

Although joint fundraisers are not illegal, there are some precautions you may want to take to ensure that your committee is reporting correctly. All contributors should make one check out for each committee participating in the fundraiser. At no time, should a contribution be made to both committees on one check.

### **Other Receipts**

A committee may receive income from sources other than contributions. This type of income is defined as miscellaneous receipts and must be reported on Schedule C (not to include loans) of the disclosure report. The following are types of receipts:

- ⇒ **Investment Returns are monies received and invested by a committee. Any loss resulting from an investment must be reported as an expenditure on Schedule D and any gain must be reported as interest on Schedule C of the disclosure forms.**
- ⇒ **Interest is monies earned on a committee's depository.**
- ⇒ **Rebates are monies returned to the committee that were originally part of a full payment.**
- ⇒ **Refunds are any portions of an expense returned to the committee (i.e. refund of a deposit).**

### **Returned Check Policy**

If a contributor's check is returned by the committee's depository for insufficient funds, or if the check is otherwise not accepted by the committee, then the Committee has the option of not recording the contribution on its Campaign Finance Disclosure report if no report was due between the time the contribution was received and the time that the contribution was returned. If the contribution was reported on a Campaign Finance Disclosure report and later returned by the depository for insufficient funds, then the committee has the option to amend the report by removing the contribution. This policy is to prevent potential public embarrassment from a contributor whose bank account was overdrawn.

### **Loans**

Loans are funds advanced to a committee that must be repaid sometime in the future. Loans must be recorded on Schedule E and Schedule G of the reporting forms. If there is an outstanding loan to the campaign, the contributor has the option of forgiving the loan and converting it into a contribution. The disclosure report must show the conversion of the loan to a contribution by listing the outstanding amount on Schedule A as a cash contribution and on Schedule E as a loan repayment.

Any loan listed on Schedule E must be recorded on Schedule F as an outstanding debt. The debt must be itemized on Schedule F until such time as the loan is repaid.

## Expenditures/Disbursements

An expenditure includes a purchase, payment, distribution, loan, advance, deposit, gift of money or anything of value made for the purpose of financing, directly or indirectly, the election campaign of a candidate or any operations of a political committee involved in such a campaign; a contract or agreement, whether or not legally enforceable, to make an expenditure; and a transfer of funds between political committees.

### ***Independent Expenditures***

An independent expenditure is an expenditure made by a person (not a political committee) expressly advocating the election or defeat of a clearly identified candidate, which is made without cooperation or consultation with any candidate, or any authorized committee or agent of the committee. The candidate that is clearly identified in the communication should not report this expense as an In-Kind Contribution. If the Independent Expenditure is in the form of an advertisement then the political committee is required to follow the laws and guidelines of §24.2-943 et seq. (Stand By Your Ad) by clearly identifying the sponsor of the advertisement and that it was not authorized by any candidate.

All independent expenditures made by a political committee (not a person) must be reported on Schedule D and clearly described in the Column 2 (Item or Service) as an Independent Expenditure.

## Record Keeping

Every political committee treasurer must keep detailed and accurate accounts of all contributions, expenditures and any other monetary transactions that the respective committee incurs. These records must be kept and maintained until one year after the filing of a Final Report or three calendar years. The records to be maintained include but are not limited to:

- ⇒ **Contributors;**
- ⇒ **Lenders; and**
- ⇒ **Recipients of payments.**

When filing a report, these records must be reported in one the following categories:

- ⇒ **Contributions;**
- ⇒ **Rebates;**
- ⇒ **Refunds;**
- ⇒ **Interest earned;**
- ⇒ **Lenders;**
- ⇒ **Expenditures made; or**
- ⇒ **Outstanding debts.**
- ⇒

## Recording Contributions

When keeping records, each committee should maintain, at a minimum, the following detailed information for at least three years. List the following items when documenting contributions:

- ⇒ Contributor's full name,
- ⇒ Contributor's mailing address,
- ⇒ Contributor's occupation, employer and location (city/town and state) of principal place of business if the contributor is an individual,
- ⇒ Type of business and location (city/town and state) of the corporation or business if the contributor is a business or corporation,
- ⇒ Type of committee and the location (city/town and state) of the committee if the contributor is a political committee,
- ⇒ Date contribution received,
- ⇒ Amount of the contribution,
- ⇒ Contributor's total contributions to date and, for In-Kind Contributions, list the basis of how you arrived at the value of the contribution (e.g., actual cost or fair market value) and the good or service that was contributed.
- ⇒

### Best Efforts Policy - When to use "Unable to Obtain"

Certain efforts can be made to secure a contributor's required information.

- ⇒ Each solicitation should include a request for the contributor's full name; complete mailing address, occupation, name of employer and location (city/town, state and zip code) of principal place of business. The following statement is an example of the language that could be included on any solicitation:

*"Virginia law requires all committees to report the name, mailing address, job title or profession and name and address of employer and employer's specific field for each individual whose cumulative contributions aggregate is in excess of \$100 in an election cycle."*

- ⇒
- ⇒ If a contribution is missing any required information, then all efforts must be made to secure the missing information.
  - ✓ Political Committee records for a calendar year may be checked for previous contributions from the individual. If the individual has contributed previously, the information required may be contained within the committee records.
  - ✓ A written request may be sent to the contributor asking for the required missing information.

If, after sending a written request, any of the required information is still unknown, it shall temporarily suffice to report "unable to obtain" in the field missing the required information along with a copy of the written request to the contributor asking for the required missing information. Once any required missing information is received, the committee must file the amended information, with the appropriate office,

immediately or within ten days of being notified by the filing officer of an incomplete report (whichever occurs first) and a civil penalty will be assessed.

### ***Best Practices – Record-Keeping***

SBE strongly recommends that all committees make every effort possible to gather the required information at the time that a contribution is collected even if the contributor's donation is less than \$100. Although this information is not required for contributor's who donate less than \$100, their aggregate contribution may exceed \$100 in the future. If the information is obtained at the time of the first contribution, time and energy will be saved in the future. Having this information available to the committee will also aid in the solicitation of future contributions.

### ***Best Practices - Common Fundraising Scenarios to Avoid***

CFDA requires that all contributions collected by individuals for a committee be accompanied by certain required information. This information includes:

- ✓ **Name and residence address;**
- ✓ **Occupation**
- ✓ **Name of Employer; and**
- ✓ **City/State location of Employer.**

Although this information is not required for contributors who give less than \$100, it is recommended that the committee gather this information for all contributors. It is helpful to have this information on hand in the event that a contributor's aggregate contribution goes above \$100. Otherwise, the committee will spend valuable time tracking down the contributor to obtain the necessary information to file a complete campaign finance report. As a result of this requirement, SBE has provided some examples of fundraising scenarios to avoid:

#### **Pass the Hat**

In a "pass the hat" scenario, the persons in the room may already be large contributors. Thus, any additional monies contributed would have to be reported. However, the contributor's required information is not being gathered. Further, it is likely that someone in the room could contribute more than \$100.

#### **Golf Tournaments and the Sale of Mulligans**

Often, in order to compete in fundraising golf tournaments, a monetary contribution to the host political committee is necessary. At the tournament the competitors are able to purchase "mulligans." The money from these purchases is considered additional contributions to the host political committee. However, the required information is not gathered and thus the payment for the mulligan is considered an anonymous contribution.

#### **Raffles**

Political Committees may not, under any circumstance, use Raffles as a fundraising tool. However, Casino Nights may be used given that certain conditions are met. Please see Code of Virginia §18.2-340.15 for more information, or visit the Department of Charitable Gaming's website for more information: <http://www.dcg.virginia.gov/>

**Recording Expenses**

When recording expenditures list the:

- ⇒ **Full name of the payee;**
- ⇒ **Mailing address of the payee;**
- ⇒ **Item or Service;**
- ⇒ **Name of the person authorizing the expenditure;**
- ⇒ **Date paid; and**
- ⇒ **Amount paid.**

**Best Practices – Reporting Item or Service**

The committee should make every effort to be as descriptive as possible when reporting the item or service that was provided for the expenditure. Vague or incomplete descriptions should be avoided.

**Recording Loan Payments**

When recording loan payments list the:

- ⇒ **Date the loan was made;**
- ⇒ **Name and address of the person making the loan and any co-borrower, guarantor, or endorser of the loan;**
- ⇒ **Amount of the loan; and**
- ⇒ **Date and amount of any repayment of the loan.**





## CHAPTER 5 – FILING REQUIREMENTS

### Contribution and Expenditure Reporting Schedules

All Political Committees must file financial disclosure statements entitled Campaign Finance reports with the proper filing authority in accordance with the applicable election schedule.

### Referendum Committee Penalties

Referendum committees must file campaign finance reports on the same schedule set as candidates running in a November election if it advocates the passage or defeat of a referendum held on a November general election date; a candidate's May election schedule if it advocates the passage or defeat of a referendum held on a May general election date; or a Special election schedule if it advocates the passage or defeat of a referendum held on a date other than a November or May general election date.

As a result, Referendum Committees must follow the candidate campaign committee filing schedule. Referendum committees should refer to Virginia's *Summary on Laws and Policies for Candidate Campaign Committees*.

### Political Committee Reporting

In each year, every Political Committee (except Referendum Committees) must file four reports, due quarterly, to the State Board of Elections. In the case that the filer has no activity to report, they may file the standard Campaign Finance report for Political Committees cover page **only** indicating, in the proper place, that it is a report of "no activity." Political committees are also required to follow the filing requirements as they pertain to Large Dollar Contribution reports.

**ALL Committees are required to file the following reports:**

Activity Beginning	Activity Ending	Report Due*
January 1, 2005	March 30, 2005	<b>April 15, 2005</b>
April 1, 2005	June 30, 2005	<b>July 15, 2005</b>
July 1, 2005	September 30, 2005	<b>October 15, 2005</b>
October 1, 2005	December 31, 2005	<b>January 15, 2006</b>

\*If the Report Due Date falls on a weekend or holiday, the due date will be moved to the next business day.

### Large Dollar Contribution Report

In addition to the quarterly reports, political committees (including referendum committees) must file additional reports if the committee receives a contribution (from a single source) of \$10,000 or more. In this case, the committee must:

- ⇒ **Report to the State Board of Elections on our website within THREE business days; and**
- ⇒ **the contribution must be reported on the Committee's Next Report.**

## **Political Committees – Electronic Filing Requirement**

A political committee that is required to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means. Any political committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.

County, city or local district political party committee shall not be required to file by computer or electronic means if it files its reports with the electoral board of that county or city.

## **Where to File Reports**

- ⇒ County or City Political Party Committees that file by electronic means, file *only* with the SBE.
- ⇒ County or City Political Party Committees that file by paper, file the original report with the SBE *and* a copy with your county or city Electoral Board.
- ⇒ State Political Party Committees, Congressional District Political Party Committees, Organized Political Party Group of Elected Officials, PAC's, or Inaugural Committees file *only* with the SBE.

## **When to File Reports**

When a report's due date falls on a weekend or holiday or if the local office where the candidate or political party committee files is closed on the report's due date, then the report is due the first business day following to the report due date.

- ⇒ Reports that are filed with the SBE must be mailed and postmarked by the deadline for filing the report.
- ⇒ Reports filed with the Electoral Board must be received in the office of the Electoral Board or General Registrar by the close of business on or before the due date. Postmarked dates are not accepted for reports filed at this level.

## **Extension of the Filing Deadline**

SBE or the Local Electoral Board is responsible for levying civil penalties for campaign finance report violations. §24.2-927 of the Code of Virginia authorizes SBE or the Local Electoral Board to grant an extension of a filing deadline in certain situations. SBE or the Local Electoral Board will not impose fines if an appropriate written request is received by the report's due date describing any of the following situations occurred and the report is subsequently submitted within 5 days of the due date:

- ⇒ **Death of treasurer or immediate family of either within 1 week of report due date;**
- ⇒ **Hospitalization or other appropriate debilitating illness/injury of, treasurer or immediate family member of either within 1 week of report due date;**

- ⇒ **Personal Computer (PC) failure that prevents timely filing, if accompanied by documented statement from a computer company licensed to do business in Virginia;**
- ⇒ **Fire or natural disaster within 1 week of the report due date, resulting in destruction of equipment or documents required for completing the report.**

Further, the Secretary of SBE may grant a candidate who serves as his own treasurer and who is called to active duty during a reporting period an extension of a filing deadline.

The following excuses are not sufficient and will not be considered for granting an extension of the filing deadline:

- ⇒ **Inclement weather;**
- ⇒ **Death of distant or non-relatives;**
- ⇒ **Treasurer or committee officer transition that may result in a “paper shuffle;”**
- ⇒ **Accidental or intentional destruction of reports and/or materials needed to complete reports;**
- ⇒ **Committee’s lack of knowledge of how to file, the need to file or due date of filing.**

Please be advised that neither SBE nor the Local Electoral Board have the authority to suspend, rescind or modify any civil penalty that has been assessed against a committee. In this case, SBE or the local electoral board will not consider any appeals for any civil penalty that has been assessed. SBE has the right to rescind a civil penalty if the filer can show good cause for dismissal of the penalty.

The Secretary of SBE has additional authority to extend an established filing deadline for filing during emergency situations that interfere with the timely filing of reports. The extension shall be limited in scope to the areas and times affected by the emergency. This extension may only be used in the case of an emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States and confirmed by the Governor by executive order as an emergency.

## **Political Parties - Designated Contributions**

Every state, district, county and city party committee, and every organized political party group of elected officials shall file a report of contributions received by it and designated in writing, orally or otherwise by the contributor for the election of a specified candidate or candidates. All political party committees shall file the “Designated Contributions” forms at the same location where they would file reports of Contributions and Expenditures.

This report must:

- ⇒ **Be on a form prescribed by the SBE and may be incorporated in the disclosure report;**
- ⇒ **Provide for the reporting of the receipt and disbursement of any designated contribution, including information previously given to identify the contributor; and**
- ⇒ **Include the name of the candidate for whose election the contributor has designated the contribution.**

## Other Reporting Policies

- ⇒ No report can be filed before the date through which activity is required to be complete. The first report filed must include all activity for the entire period from the time the committee received contributions or made expenditures for the purpose of influencing the outcome of an election.
- ⇒ The reporting period is the beginning and ending dates for which activity is being reported.
- ⇒ Any statement required to be filed must be signed and certified as true and correct by the candidate, treasurer or other individual required to file it. The security code used by the committee when filing electronically is considered the signature.
- ⇒ No other person other than those mentioned on the Statement of Organization (treasurer and other principal officers) may request the security code pin. This request must be made via email.

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## CHAPTER 6 – VIOLATIONS OF THE ACT/PENALTIES

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Any committee that fails to file any report (not received within 90 days of the report's deadline), files any report late or fails to provide any required information in any report that as required by the Act will be considered to have violated campaign finance law and may be subject to civil penalties to be assessed by the State Board of Elections or local electoral board.

The State Board of Elections has formerly adopted a Schedule for Assessments of Civil Penalties. To ensure uniformity throughout the state, this Schedule must be followed when the filing officer is assessing civil penalties.

### ***Large Dollar Contribution Reports***

According to §24.2-929(E), if either a Large Pre-Election Contribution report or a Local Candidate Large Contribution report is found to be late, the violation is presumed to be willful. In the case of a willful violation, violators shall be guilty of a Class 1 misdemeanor. Neither SBE, nor the local electoral board has the authority to prosecute criminal violations. Therefore, any violations to special "Large Contribution" reports will be forwarded to the Attorney for the Commonwealth who has jurisdiction over the violator.

### **Referendum Committee Penalties**

Referendum committees must file campaign finance reports on the same schedule set as candidates running in a November election if it advocates the passage or defeat of a referendum held on a November general election date; a candidate's May election schedule if it advocates the passage or defeat of a referendum held on a May general election date; or a Special election schedule if it advocates the passage or defeat of a referendum held on a date other than a November or May general election date.

As a result, Referendum Committees are subject to the penalties assessed to candidates. Referendum committees should refer to Virginia's *Summary on Laws and Policies for Candidate Campaign Committees*.

### **Procedure to Collect Penalties (Late/Failure to File)**

- 1) The State Board or local electoral board must notify the committee in violation via certified mail that the Board or board has not received the required Campaign Finance report. Notification is considered received by the committee on the date that the certified mail is delivered to the committee's address.  
\*\*\*Please note that official notification will not be sent to PO Boxes.\*\*\*
- 2) In the case of any committee, the State Board is authorized to waive an assessed penalty if the filer demonstrates that there exists good cause to waive the penalty. The political committee must be able to provide proof that they report was filed timely to the State Board and the committee must establish this fact within 90 days of the deadline for the required report.
- 3) The State Board or the local electoral board shall notify the Commonwealth's Attorney within 90 days of the deadline if the required payment has not yet been received. The Commonwealth's Attorney shall then initiate civil proceedings collect the civil penalties.

- a. For political committees, the State Board shall notify the Commonwealth's Attorney for Richmond, unless the committee's officers are residents of a single county or city; then, the State Board shall notify the Commonwealth's Attorney for that county or city.
- 4) Political Committees and candidates for the General Assembly or statewide office must make their checks payable to "Treasurer of Virginia" for deposit to the General Fund.
- 5) The State Board shall notify the public via the Internet of any committee that **fails to file** a required report.

**Political Committee Penalty Schedule - Regular Reports (Late / Failure to File)**

Type of Violation	Amount	Reason
<b>Late Report</b>	\$100	Report not received by SBE until after deadline, but before official notification of tardiness from SBE.
<b>Delinquent Report</b>	\$250	Report received by SBE within 10 calendar days from official notification of tardiness from SBE.
<b>Failure to File</b>	\$500	Report not received by SBE within 90 days after the original deadline.
<b>Failure to File: Second or Subsequent Violations</b>	\$1,000	For a second report and any subsequent reports in a calendar year that are considered to be the failure to file a required report.

**Political Committee Penalty Schedule – Incomplete Reports**

Incomplete reports apply to campaign finance reports due within 120 days before or the 35 days after a November general election date that have been submitted timely, but have failed to include all of the required information. The State Board or local electoral board, in its review of the campaign finance reports received, may notify the committee of the need for additional information or request that certain math errors are corrected. Failure to file an amended and complete report will result in the assessment of civil penalties.

The State Board or local electoral board must notify committees of the need for more information to those committees who file timely reports within 14 days of the deadline. Otherwise, these penalties do not apply. Notification of incomplete reports will be sent via United States Postal Mail. However, the failure to file complete reports after having been notified by the State Board shall determine whether or not the committee's final report will be accepted or if that candidate may take office.

In such cases when the committee has been notified of the need for additional information, but the committee has failed to comply, civil penalties must be assessed in the following manner.

Type of Violation	Amount	Reason
<b>Late Completed Report</b>	\$100	Completed Report Received between 11 and 20 days of the date that SBE mailed written notice of the requirement to file an amended report.
<b>Delinquent Completed Report</b>	\$250	Completed Report Received between 21 and 30 days of the date that SBE mailed written notice of the requirement to file an amended report.
<b>Failure to File Completed Report</b>	\$500	Not received within 30 days of the date that SBE mailed written notice of the requirement to file an amended report.



## Statement of Organization Prescribed Civil Penalties

### New Committee

This schedule shall be used when SBE or the local electoral board has determined that a person has met the qualifications to become a “candidate” for office in a non-federal Virginia election, but has failed to file a *Statement of Organization*:

Length of Delinquency*	Civil Penalty
1-15 Days	\$100
16-30 Days	\$200
31-45 Days	\$300
46-60 Days	\$400
61 Days or more	\$500
Late Filing of Committee formed within 30 Days Prior to an Election	\$500

\*Virginia Law states that the committee has 10 days to submit a *Statement of Organization* form from the date that they have cause to register. The length of delinquency begins on the 11<sup>th</sup> day after the committee has cause to file a *Statement of Organization*.

### Amended Statement of Organization

This schedule will be used when SBE or the local electoral board has determined that a candidate campaign committee has not amended their *Statement of Organization* as a result of changes regarding the information contained in the form on file with SBE within the 10 days as required by law:

Length of Delinquency*	Civil Penalty
1-60 Days	\$100
61-120 Days	\$150
121-180 Days	\$200
181 Days or More	\$300

\* Virginia Law states that the committee has 10 days to submit a *Statement of Organization* form from the date that they have cause to amend their *Statement of Organization*. The length of delinquency begins on the 11<sup>th</sup> day after SBE has contacted the committee requesting the amended form.

## **Procedure to Collect Penalties for Statement of Organization Violations**

### **New Statements**

The procedure for assessing penalties to committees who are late or fail to file the required Statement of Organization shall be the same as for collecting a late or failure to file a required Campaign Finance report.

### **Amended Statements**

- 1) When determining this penalty, the State Board of Elections or the local electoral board must have concrete evidence that the committee in question has had cause to change the information contained on the form, but has not submitted an amended form (e.g. returned mail, phone line disconnected, etc.).
- 2) Before assessing the civil penalty, the State Board or the local electoral board shall provide written notice to the committee requesting the updated information. If the form is not updated within 10 days of the date of the letter, then the committee shall be considered delinquent and the appropriate civil penalty shall be assessed.

## **Willful Violations**

In the case of willful violation, a committee shall be guilty of a Class 1 misdemeanor and the Attorney for the Commonwealth shall initiate civil proceedings to enforce any civil penalties prescribed. There shall be a rebuttable presumption that the violation of the Act was willful if the violation is based on a committee's failure to file a report required and its failure to file continues for more than 60 days following an actual receipt of written notice of that failure, sent by mail, return receipt requested, by the Virginia State Board or an Electoral Board.

## CHAPTER 7 – FORMS AND INSTRUCTIONS

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### Campaign Finance Reporting Forms

**Statement of Organization for a Political Committee** – use when registering any political action committee, political party committee or inaugural fund committees.

**Standard Cover** – is a two-purpose form and should be used when any item of value is received and/or when money is spent or when **No Activity** has occurred during the reporting period. This means that nothing of value, other than interest or dividends has been received and, except for payment of bank service charges, no monies are spent.

- ⇒ **When any item of value is received and/or when money is spent this form must be filed along with Schedules G and H and any other Schedules required by items reported thereon.**
- ⇒ **When No Activity has occurred during the reporting period, file the cover sheet only and check the “No Activity” box. In this case, you will report in the space indicated, the “same balance” as that stated on line 19 of Schedule H of your last report until such time as you file a report for any period in which other activity has occurred. In the meantime, accurate record keeping is essential.**

**Final Cover** – use when all debts are paid and surplus funds have been disposed. File this sheet along with Schedules G and H and all other schedules required by items reported thereon.

**Schedule A** – use when itemizing contributions, received by the committee, from persons, organizations and other entities. Itemization is required when:

- ⇒ **The contributions exceed \$100; or**
- ⇒ **The contributor has given previously to the committee and the aggregate to date exceeds \$100.**

Specifically,

- ⇒ **Once a contributor has been itemized on Schedule A, report all subsequent monies from that contributor, regardless of the amount.**
- ⇒ **Do not list any contributors who were itemized on previous reports but who have not donated to the Committee during a current reporting period.**
- ⇒ **Do not add contributions of an individual and a related business or organization. Treat each entity as a separate contributor and track aggregates accordingly.**
- ⇒ **All itemized contributors must be alphabetized on Schedule A. Use the last name for individuals and the first letter of the business or corporate name (not including articles such as “THE”) when alphabetizing. There is no need to separate corporations, political committees, individuals, or other entities onto separate schedules; submit one alphabetized list for all itemized contributors.**
- ⇒ **If the check is drawn on a joint account, enter the name of the person signing the check as the contributor, unless a letter stating otherwise accompanies the check. Both account holders must sign the letter.**

**Schedule B** – use when itemizing “in-kind” contributions that exceed \$100 in aggregate donations to the committee from persons, organizations and other entities. Itemization is required when:

- ⇒ **Over \$100 in value; and**
- ⇒ **A gift of services or goods.**

An In-Kind Contribution does not include volunteer services.

*The aggregate for a contributor includes **both** monetary (listed on Schedule A) and In-Kind Contributions.*

**Schedule C** – use when reporting receipts of refunds, rebates, interest paid and profits on investments made to the Committee.

**Schedule D** – use when reporting all disbursements of Committee funds.

- ⇒ **Expenditures can be listed in chronological or alphabetical order.**
- ⇒ **The item or service purchased must be described in sufficient detail to inform the reader of the purpose of the expenditure (i.e. fund-raising expense, travel, payroll, printing and mailing). Avoid vague or incomplete descriptions such as “expenses.”**
- ⇒ **Credit card payments must be itemized.**

**Schedule E** – use when reporting any loans received or repaid. A loan includes any money paid to the Committee, for which the lender expects to be repaid. A loan may be made by any entity.

**Schedule F** – use when listing any debt that is outstanding as of the close of the reporting period. A debt includes loans payable, services or goods contracted for by the committee for which payment has not been made (i.e., credit purchases), and any other contract or financial obligation of the campaign. This schedule does not have to be alphabetized.

**Schedule G** – use to present a summary of the contributions, receipts, expenditures and loan transactions that occurred for a specific reporting period.

**Schedule H** – use to present a summary of the contributions, receipts, expenditures during the election cycle (calendar year for a committee.)

**Schedule I** – use to report any surplus funds being paid out by a committee.

**Large Pre-Election Contributions** – used for reporting monetary and “In-Kind” contributions over \$500. See Special Large Pre-Election Contributions [Chapter 5] to determine when reporting is required.

## Endnotes

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<sup>i</sup> These committees are exempt from the reporting requirements of the Act until it accepts aggregated contributions or makes aggregated expenditures in excess of \$15,000 in a calendar year. At this time, the committee will immediately become subject to the reporting requirements of the Act detailed herein.

<sup>ii</sup> Persons, corporations and unions that make an Independent Expenditure are subject to the reporting requirements in §24.2-910(B). Any Independent Expenditure in excess of \$500 for statewide elections and \$200 for any other election will be required to file an Independent Expenditures Reporting Form available for download on SBE's website.

<sup>iii</sup> Persons, corporations and unions that make an Independent Expenditure are subject to the reporting requirements in §24.2-910(B). Any Independent Expenditure in excess of \$500 for statewide elections and \$200 for any other election will be required to file an Independent Expenditures Reporting Form available for download on SBE's website.

<sup>iv</sup> The occupation of the contributor is required under §24.2-914. Writing in N/A "not applicable" in the occupation field will result in SBE contacting your committee to inform you that your report is incomplete and failure to complete the report in a timely manner could result in civil penalties. If a contributor is retired, a homemaker or a student then the name of employer and location of employment are not required.